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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,062	08/25/2003	Simeon Sordjan JR.	221-002	2943
7590	06/23/2004		EXAMINER	
Jennifer Meredith Empire State Building Suite 7720 350 Fifth Avenue New York, NY 10018			JOYCE, WILLIAM C	
			ART UNIT	PAPER NUMBER
			3682	
DATE MAILED: 06/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/648,062	SORDJAN, SIMEON	
	<b>Examiner</b>	<b>Art Unit</b>	
	William C. Joyce	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 August 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-13 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 03 December 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

This is the First Office Action in response to the above identified patent application filed on August 25, 2003.

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. The drawings were received on December 3, 2003. These drawings are approved.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it contains: the implied phrase "the present invention provides" (line 1) and the legal phraseology "means" (line 11). Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-2 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility insofar as pertains to applicant's implication throughout the disclosure that the device can produce motion without reacting against an outside force (e.g. friction, land, or water), and without expelling mass such as in a jet plane. An example of implications appear as follows: "The present invention provides a device for the conversion of centrifugal force to linear force and motion to propel wheel vehicle, watercraft, aircraft or spacecraft" and "It is intended to provide a simple, gasless, lightweight method of propulsion" (page 2, line 14+ of the specification).

The present invention is a propulsion system which allegedly generates thrust through a mass mounted on a rotating guide and having means for creating a force imbalance. It is submitted however that such an operation violates basic physical laws, including conservation of linear momentum and Newton's Law of Motion. Since all

mass is completely recirculated within the system; there is no mass transfer and thus no momentum transfer between the system and its environment. Therefore, the device is considered inoperative.

In order to operate in the manner and for the purpose disclosed, the device would have to violate Newton's third law of motion which states that an action force must be imposed upon an external frame of reference in order for there to be a net reaction force with respect to the external reference frame. In this case, the specification does not disclose an action force which is applied to the housing, and accordingly there cannot be a net reaction force with respect to the housing.

The Patent and Trademark office is authorized to require evidence to the operability of an invention for which patent protection is sought. Consequently, in order to overcome the above rejection, applicant provide evidence to the operability of the invention, for example, by way of a working model.

#### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The claims are not fully understood as to how the device can produce a directional force by rotating a plurality of weights. It appears that the claimed device would produce a vibratory motion and not a propulsive directional force.
- b. Claim 3 is not fully understood because in line 6 applicant defines "a third connecting bar rotatably attached to said first gear" and in line 13 applicant again defines "a third connecting bar rotatably attached to said first gear."

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-13, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (US Patent 4,241,615).

Ryan discloses a device for converting centrifugal force to linear force and motion, said device comprising: a first gear (108) fixed to a support member (101); a second gear (102) in opposite rotational communication with said first gear and weighted along an outer edge and is rotatably attached to and abutting said support member; and a first drive means for translating centrifugal motion of said first gear to unidirectional motion.

Ryan does not clearly describe the support member (25) as bar members as defined by the instant claims, but illustrates the support member as a bar member. It

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Ryan with bar members positioned on each side of the gears, motivation being to better support the gears for rotation.

It would have been obvious to one in the art to vary the number of gears and supporting bars as defined by the claims, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

11. Claims 1-13, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over McMahon (US Patent 5,167,163).

McMahon discloses a device for converting centrifugal force to linear force and motion, said device comprising: a first gear (50) fixed to a support member (25); a second gear (35) in opposite rotational communication with said first gear and weighted along an outer edge and is rotatably attached to and abutting said support member; and a first drive means for translating centrifugal motion of said first gear to unidirectional motion.

McMahon does not disclose the support member (25) as a first and second bar, but illustrates the support member as a disk member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of McMahon with bar members positioned on each side of the gear, motivation being to better support the gears for rotation. Further, it would have been obvious to one in the art to form the disk shaped support member of McMahon as bar members, applicant has not disclosed that the bar members solves any stated problem or is for any

particular purpose and it appears that the invention would work equally well with disk shaped support members.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the device of Steinhaus ('867), Nowlin ('248) and Oades ('400).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (703) 305-5114. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*William C. Joyce 6/15/04*  
**WILLIAM C. JOYCE**  
**PRIMARY EXAMINER**